

NATURAL RESOURCES COMMISSION
Meeting Minutes, January 23, 2024

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Dan Bortner, Secretary
Brian Rockensuess
Jennifer Jansen
Noelle Szydlyk
Marc Milne
Bart Herriman
John Wright

NATURAL RESOURCES COMMISSION STAFF PRESENT

Elizabeth Gamboa	Scott Allen
Aaron Bonar	Billie Franklin

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

Chris Smith	Executive Office	Joe Caudell	Fish and Wildlife
Kirsten Haney	Executive Office	Gerianne Albers	Fish and Wildlife
Ryan Mueller	Executive Office	Nathan Klein	Fish and Wildlife
David Bausman	Executive Office	Holly Lawson	Communications
Emily Black	Executive Office	Ihor Boyko	Legal
Steve Hunter	Law Enforcement	Beth Hernly	Oil and Gas
Terry Hyndman	Law Enforcement	Dawn Johnson	Nature Preserves
Amanda Wuestefeld	Fish and Wildlife	Ron Hellmich	Nature Preserves
Brad Feaster	Fish and Wildlife	Wyatt Williams	Nature Preserves
Linnea Petercheff	Fish and Wildlife	Scott Namestnik	Nature Preserves
Dan Carnahan	Fish and Wildlife		

GUESTS PRESENT

Jim Bloom	Tom Morelock	Kyle Schnider
Erin Huang	Jake Reardon McSouy	Chris Greisl
Bradley Moore	Bryce Clendenning	Kay Hawthorne
Gage Corpuz	Herb Higgins	Brendon Terrill
Jim Hibbard	Don Cranfill	

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 9:58 a.m., ET, on January 23, 2024, at Fort Harrison State Park, The Garrison, 6002 North Post Road, Blue Heron Ballroom, Indianapolis. With the presence of nine members, the Chair observed a quorum.

APPROVAL OF MINUTES

The Chair asked for a motion to approve the Commission's November 23, 2023, meeting minutes.

John Wright moved to approve the minutes as submitted. Bart Herriman seconded the motion. Upon a voice vote, the motion carried.

ELECTION OF OFFICERS

Bart Herriman made a motion to slate the officers now standing for the 2024 term: Bryan Poynter as Chair, Jane Ann Stautz as Vice Chair, and Daniel Bortner as Secretary. John Wright seconded the motion. Upon a voice vote, the motion carried.

REPORTS OF THE DNR DIRECTOR, DEPUTY DIRECTORS, AND THE CHAIR OF THE ADVISORY COUNCIL

Dan Bortner, Director of the Department of Natural Resources (Department) provided the following report:

The Department continues to move forward with the Governor's Next Level Trail program, completing thirty-two projects with 96.7 miles of new trails. Fifteen projects with 38.7 miles of trails are either in the bidding process or under construction. The Department received 47 applications requesting a total of \$92 million for round four funding, of which \$30 million was available. On December 20, 2023, Governor Holcomb announced fourteen project winners for round four with combined funding of \$31.2 million to build 28 miles of new trails. The total funding awarded in four rounds is \$180 million for eighty-nine trail projects.

Progress on the Monon South Trail continues with Radius Indiana designing and building approximately twenty miles of the Monon South Trail. The City of New Albany is working to design the Floyd County section of the Monon South Trail with construction to take place in 2025.

The Governor's Next Level Conservation Trust (NLCT) initiative closed thirteen projects with offers on three other projects. The NLCT program has 1,741 acres of Indiana land placed in protection.

The lodge at Potato Creek State Park is in the design stage with construction set to begin in Spring 2024.

The Department is monitoring several bills of the 2024 legislative session closely. On December 18, 2023, Emily Black joined the Department as the Legislative Director. Black was previously with the Indiana Department of Education and is a veteran of the legislative process. The Department's agency bill, HB1401, passed out of committee unanimously and is set to be heard by the House Ways and Means Committee.

The Department anticipates a very busy recreation season along with several projects being handled by the Regulatory and Administrative Bureaus. The Division of Law Enforcement has begun accepting applications for a potential recruit class in 2024.

Chris Smith, Deputy Director of the Land Management Bureau, provided his report as follows:

To start 2024, nearly 5,000 people joined in the First Day Hike offered at Indiana's State Parks. The hikes were organized in cooperation with America's State Parks as part of a national campaign. Similar events took place in all 50 states.

The Indiana State Park Inns hosted over 3,300 guests for Thanksgiving dinner and around 1,000 guests for Christmas Eve dinner. Currently, the State Park Inns are offering two-for-one winter pricing, and several locations are offering Valentine's Day packages.

The January/February issue of Outdoor Indiana features a cover article on where and how to safely enjoy the total solar eclipse on April 8, 2024. The issue also includes articles on Indiana's rich heritage of maple syrup production and how to hunt shed deer antlers.

The Department has completed the contract to transition the Division of Fish and Wildlife's license system to Brandt Information Services, LLC. (Brandt). A rollout time of the 2025 license season is anticipated. Brandt is currently the service provider for sixteen states. The Department is excited to work with Brandt.

For the third time in the last thirteen months, the state burbot record has been broken. Anthony Burke of Cedar Lake caught a burbot weighing 14 pounds, 3.6 ounces and measuring 37.25 inches long while fishing in Lake Michigan on January 6, 2024. Burbot are native to Lake Michigan and spend most of their time offshore in deep, cold water. In the fall and winter burbot move to shallower waters to feed and spawn.

Ryan Mueller, Deputy Director of the Regulatory Bureau, provided his report as follows:

The Division of Reclamation continues to provide funding and oversight to plug orphaned and abandoned oil and gas wells statewide. This is the initial phase of funding authorized by the Federal Infrastructure Act, which awarded participating states \$25 million each. As of December 31, 2023, 239 wells have been plugged at a cost of \$15.6 million. The initial goal of the program was to plug approximately 350 wells. The current results suggest that the goal will be met or exceeded. The Division has applied for an additional \$14 million in funding for the second round of funding for plugging activities.

In 2023, the Division of Reclamation received nearly \$25 million in federal funding to reclaim more former coal mines to their pre-mining statuses. The funding is part of a \$377 million grant that Indiana will receive over a fifteen-year period to reclaim former mine land. The Division has over 50 projects in various stages of development.

On March 16, 2024, the Division of Water will host the tenth biennial Operation Stay Afloat conference at the State Government Center in Indianapolis. The conference highlights flood preparedness and hazard mitigation. Target audience members are local floodplain administrators, local building officials, local emergency management officials, representatives from regional planning groups or river basin commissions, engineers and other consultants who work with local jurisdictions, and volunteer groups involved with floodplain issues and disaster recovery.

Kirsten Haney, Deputy Director of the Bureau of Administration, provided her report, as follows:

The Department's partnership with the Indiana Department of Administration remains strong and continues to make progress in completing projects including new comfort stations at Monroe Lake and Paynetown State Recreation Area. Future projects include family cabin renovations at Brown County State Park and construction of various trail structures.

The Department attended the December Budget Committee meeting to reprioritize existing deferred maintenance funds to cover the cost increases for the renovations at Spring Mill Inn, the parking garage, and the gristmill at Spring Mill State Park. The renovation cost at the Spring Mill Inn has increased from the original \$10 million to \$27 million.

As of January 15, 2024, the Department had 1,265 regular positions filled and is in the process of filling 55 regular position vacancies. Of the 55 vacancies, the Department is in the process of filling eight, resulting in an adjusted vacancy rate of 6.15 percent.

The Department is in the beginning process of building the 2026 to 2027 fiscal year budget. The Department anticipates the official budget instructions to come out in May 2024, so the internal preparations will begin soon.

The Chair deferred the report from the Chair of the Advisory Council to the next meeting. He also noted the technology being tested to live stream future Commission meetings.

CHAIR AND VICE CHAIR

Information: Consideration of 2024 meeting dates:

The 2024 Commission meeting dates are March 19, May 21, July 16, September 17, and November 19. All meetings are scheduled to be held at Fort Harrison State Park, The Garrison, but the location is subject to change.

Updates on Commission and AOPA Committee

Jane Ann Stautz, Vice Chair of the Commission and Chair of the AOPA Committee, reported:

There was an AOPA Committee meeting before the Commission meeting on January 23, 2024. The matter considered at the meeting involved coal beds and methane capture for commercial purposes. The Vice Chair noted that the Department's Division of Reclamation is working to address new policies and statutory updates with new technology. The Vice Chair encouraged the Department to continue to work on policy changes as new technology develops.

DNR, EXECUTIVE OFFICE

Consideration and identification of any topic appropriate for referral to the Advisory Council

None

DNR, DIVISION OF FISH AND WILDLIFE

Request for preliminary adoption to amend 312 IAC 9-3-18.2, governing state-wide river otter trapping and establishing a state-wide quota for the river otter trapping season, Administrative Cause No. 23-FW-030

Linnea Petercheff, Division of Fish and Wildlife, presented this item as follows:

The proposed changes would allow river otters to be trapped statewide and establish a statewide quota of 750 river otters for the season. The statewide quota is the same as in previous years as set by temporary rules. There is no change to the number of otters that an individual may trap per season in the individual bag limit or any other requirements governing river otter trapping.

The Chair noted there is no longer a way to have emergency rules and this preliminary adoption is part of the process to create a permanent rule.

Herriman asked about Section 18.2 of the proposed rule. The language makes it seem that after March 15, if the quota is not reached, a trapper could continue to trap until the quota is reached. Herriman said the daft language should be changed to make it clearer. Petercheff agreed the language should say the otter trapping should end on March 15 or when the quota is reached if before March 15.

The Chair recognized Don Cranfill, who stated:

He supports the amendment to 312 IAC 9-3-18.2 as written. Although he supports the presence of all native flora and fauna, there will never be enough presence of apex predators to fully control the river otter population. River otters are destroying large sections of the rivers and decimating gamefish populations.

Indiana is on the brink of being a smallmouth bass fishing destination, but river otters are hurting the chances of good fishing. The issue is costing the state in lost revenue with fishers not traveling to Indiana and loss in license sales. The issue will cost the state money to restore fish populations in the future.

The proposed regulation change will move the state forward in mitigating the damage done by river otters. The rule amendments do not go far enough and there is too much confusion as currently written, but going to a statewide quota is a step in the right direction.

Many don't see the destruction done by otters because otters are in remote areas of the creeks and rivers where the best fishing is. There needs to be a way to have certain sections of waterways declared as depredation areas for additional otter bonus quotas. The proposed depredation areas could be petitioned for by the public and reviewed by the state biologists each season.

There are some sections of rivers and creeks not affected by otters while other areas have a complete decimation of the fish population.

The Chair recognized Brendon Terrill, who stated:

Terrill is a hardcore small mouth bass fisher and is reporting what he has observed. There are otters everywhere. Three years ago while fishing in Rock Creek, something grabbed what was on his line and swam away. Later he saw an otter. A couple of years ago at Sugar Creek, he observed large amounts of scales on the creek bank, fewer fish overall, and generally a poor fishing experience. This past season while fishing, Terrill observed otter scat, otter trails, or saw otters 74 times in 23 different rivers and creeks in Indiana. Otters are super-predators and are everywhere, depleting fish populations across the state.

Stautz said that even though there is no change recommended for the statewide otter quota, she would encourage the Department biologist to continue to monitor the wildlife population.

The Chair recognized Geriann Albers, Furbearer Biologist with the Division of Fish and Wildlife, who stated:

The Department's recommendation is based on the population model, which is an age and harvest model from harvest turnover. There have been meetings with the fishery staff about the fish population data and comparing that data with the river otter trend data.

Smith suggested amending the draft language for Section 18.2 as recommended by Herriman. The Chair asked for a motion to approve preliminary adoption of 312 IAC 9-3-18.2 as amended.

Jennifer Jansen moved to approve preliminary adoption to amend 312 IAC 9-3-18.2 as amended. Brian Rockensuess seconded the motion. Upon a voice vote, the motion carried.

Request for preliminary adoption to amend 312 IAC 9-2-15 and 312 IAC 9-3-2 governing deer hunting licenses; 312 IAC 9-3-3 governing deer hunting rules; and 312 IAC 9-4-4 governing deer hunting quotas; Administrative Cause No. 23-FW-031

Petercheff presented this item as follows:

One proposal is to add the definition of “youth” to eliminate duplication of the definitions in multiple rules and provide clarity of the term used throughout 312 IAC 9. There are several proposed changes to deer hunting that include: a single license for archery and crossbow equipment; multiple-season antlerless deer licenses; a statewide antlerless bag limit; prohibiting hunters from harvesting antlerless deer on certain Fish and Wildlife properties with a firearm; allowing .40 caliber muzzleloaders; allowing hunters to retrieve deer using thermal or infrared detectors; adding in-county antlerless quotas; adding deer reduction zones; and removing the late antlerless firearms season.

The Department included the proposed rule changes in 2022 deer management surveys and public feedback was received. Based on the public’s feedback the Department made some changes to the rule proposal to incorporate some of the concerns. There were some technical changes to the wild turkey hunting rule because of changes to the deer hunting rules.

Smith thanked the Division of Fish and Wildlife staff for all the work, surveys, conversations, and compiling others’ opinions regarding the proposed rule changes.

Brian Rockensuess moved to approve preliminary adoption to amend 312 IAC 9-2-15, 312 IAC 9-3-2, 312 IAC 9-3-3, and 312 IAC 9-4-4. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

NRC, DIVISION OF LAW ENFORCEMENT

Report to the Natural Resources Commission on Citizen Petition requesting a rule change amending 312 IAC 5-9-2 to add a prohibited boating zone designation around the Geist Waterfront Park and Beach on Geist Reservoir; Administrative Cause No. 23-LE-024

Dan Carnahan, Division of Fish and Wildlife, presented this agenda item as follows:

The City of Fishers filed a petition requesting a prohibited boating zone in a cove located on Geist Reservoir to create a safe environment for the new Geist Waterfront Park and Beach.

The Department-assigned committee did a site inspection on September 13, 2023. The committee determined there is a need for boating restrictions but the “prohibited boating zone” would be changed to a “non-motorized zone” so the park can operate a livery to rent non-motorized boats such as canoes and kayaks. The recommendation is to modify the request for the closure of the zone from the requested year-round closure to fourteen days before Memorial Day through October 1, which coincides with when the park would be open. This allows the public to use the area of the water for other recreational boating activities.

The Chair recognized Chris Greisl who stated:

Greisl is an attorney with Barnes and Thornburg, LLP. and represents the City of Fishers (City). The City appreciates the committee’s work and generally agrees with the recommendations put forward by the committee. The City made a great investment in the park, opening up public access for residents and preserving the reservoir. In the first year of operation the park was popular and the City is expecting more people to visit.

Bart Herriman moved to approve the Report on Citizen Petition requesting a rule change amending 312 IAC 5-9-2. Brain Rockensuess seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF NATURE PRESERVES

Presentation on the history and objectives of Indiana’s Natural Heritage Program

Dawn Johnson, Indiana Natural Heritage Coordinator highlighted the following:

The Indiana Natural Heritage Data Center (INHDC) was established in 1978 in a comprehensive effort to determine the state’s most significant natural areas through statewide inventory. The INHDC is part of the Natural Heritage Network led by a non-profit. There are over 60 network programs in the United States and Canada.

The INHDC gathers biological information from a variety of sources and provides a proven framework and methodology for compiling biodiversity information. The data is stored in a relational database called Biotics. The INHDC has the largest and most complete database of biological information in Indiana with 19,229 element occurrence records for 2,043 tracked or listed species.

For fish and wildlife, the INHDC tracks endangered species and species of special concern. For plants and insects, the INHDC tracks endangered, threatened, rare, and watchlist species.

The data comes from a variety of sources, including Department staff and other partners in the state. The data is used to help determine what to conserve and where to focus

resources. There are currently 302 dedicated Nature Preserves protecting 55,969 acres of land.

Wyatt Williams, State Community Ecologist, continued as follows:

Williams monitors rare plants and plant communities, does environmental reviews for coal permitting processes, research permitting, and provides feedback on plant data.

The INHDC has worked to improve the state community classification by working with Nature Serve to ensure that all the states are talking about the same thing.

In 2023, there were comprehensive surveys of the rarest communities that provided information on how plants are doing over time. The Natural Area Registry is an important tool to identify what plants are in the state, where the plants are located, and what can be done to protect those plants.

Scott Namestnik, State Botanist, finished the presentation as follows:

As a botanist with the INHDC, Namestnik is a technical resource on plants in Indiana. He works with the botanical community, gives presentations, gives state conservation status ranks, conducts plant inventories, and does rare plant surveys and monitoring.

A rare plant highlight in Indiana in the last couple years includes the rock goldenrod. In Indiana, rock goldenrod is only found in Harrison County. In 2021 Namestnik was monitoring goldenrod along the Blue River in Harrison County and documented rock goldenrod. INHDC was able use the record of the documented rock goldenrod to put the plant on the state endangered list instead of the extricated list which allowed INHDC to do additional surveys and monitoring of the rock goldenrod.

Another rare plant is the purple spikerush, that, until recently, was not found in Indiana. In 2020 a group of botanists in northwest Indiana came across a plant they did not recognize. After doing some research the group realized the plant was purple spikerush. The group called Namestnik to identify the plant. Namestnik found purple spikerush populations in Porter and Lake Counties. Since purple spikerush has been found, it has been monitored. No new populations of this plant have been found. The purple spikerush produces a very small fruit with seeds and if the time and conditions are right, the purple spikerush will reproduce.

Stautz asked if the funding for INHDC is private or federal. Johnson responded the INHDC has a couple different funding sources, including a Pittman-Robertson Grant.

The meeting was adjourned at approximately 10:53 a.m., ET.